

United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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To: Field Managers, Nevada
Deputy State Directors and Staff Chiefs, NSO

From: Acting State Director, Nevada

Subject: Issuance of Title Conveyances

This Instruction Memorandum clarifies Nevada Bureau of Land Management (BLM) policy on the issuance of title conveyances and is effective immediately. The BLM may not issue a patent or deed to a person other than the declared successful high bidder and qualified conveyee, patentee, grantee, or original entryman in a disposal action.

Patents and other title conveyances of public lands may be made to those persons or legal entities who have met the requirements of the applicable laws and regulations. The BLM has no authority to issue patents or deeds to anyone else. For example, conveyances of mineral estates under the Federal Land Policy and Management Act (FLPMA), as described in 43 U.S.C. 1719(b)(2), "shall be made only to the existing or proposed record owner of the surface, upon payment of administrative costs and the fair market value of the interests being conveyed." This policy does not conflict with 43 U.S.C. 1716, Exchanges, which allows the Secretary to dispose of or exchange lands or interests therein (minerals) to other than the surface owner. Similarly, a conveyance of omitted lands under 43 U.S.C. 1721(b)(2) may be made only to occupants of the lands. Under 43 CFR 2711.3-1 the successful high bidder, upon BLM acceptance of the offer and full payment of the purchase price in a timely manner, has a binding contractual agreement with the United States (U.S.) Government. This means that the U.S. Government must issue patent to the land purchased in the name of the successful high bidder ONLY.

Conveyances of public land under FLPMA, including the Southern Nevada Public Land Management Act of 1998 and the Lincoln County Land Act of 2000, may be made only to citizens of the U.S. or corporations subject to the laws of any State of the United States. One of the purposes of requiring the filing of an application is to determine whether the applicant is qualified under the law to receive title to the land. Issuance of patents and other title conveyances to improper parties at the last moment in the administrative process makes it possible for unqualified persons to circumvent the law. Conveying title in such circumstances may result in infirm titles.

To guard against infirm titles, the U.S. Department of the Interior requires that patents for locations or entries under the public land laws be issued only to the locator or entryman, i.e. the applicant of record. The same rule is applicable to the issuance of patents and other title conveyances for land sales under FLPMA, as well as supplemental and corrective conveyances, which will be issued in the name of the original entryman or the declared successful high bidder.

Supplemental patents are issued if the original patentee has not been granted all rights, title, and interests that s/he is entitled to in a conveyance. Of course, where appropriate, errors in patents may be corrected. The BLM can issue a corrective patent only to the original patentee, or grantee in the case of a deed. The BLM has no way of determining the identity of a subsequent land claimant and is not in the business of tracking land title once title leaves Federal ownership.

43 CFR 1865.0-5 defines an error as “the inclusion of erroneous descriptions, terms, conditions, covenants, reservations, provisions and names or the omission of requisite descriptions, terms, conditions, covenants, reservations, provisions and names either in their entirety or in part, in a patent or document of conveyance as a result of factual error.”

Patents, deeds, and disclaimers of interest will be issued ONLY to the party who made application, and supplemental and corrective conveyances will be issued only in the name of the qualified conveyee, patentee, grantee, or original entryman.

Questions on this policy may be directed to Pamela C. Ridley at 775-861-6530.

Signed by:
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Acting State Director, Nevada

Authenticated By:
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